

4/15 Draft Subobjective Implementation Plan for Strategic Plan Subobjective 4.3.2 -Increase Wetlands

The Office of Water Strategic Plan Subobjective for wetlands establishes the challenging goal of achieving, by 2008, a net increase in the national wetlands base of 400,000 acres of wetlands. This goal was developed with other federal agencies (Army, USDA, DOI, DOC, DOT, DOE, DOJ, and TVA). In order to realize this goal, the EPA Wetlands Program will work with its federal, state, tribal and local partners to achieve national gains in wetlands acreage through implementation of a fair, flexible and effective CWA Section 404 program, innovative and partner-based wetlands and stream corridor restoration, and a broad-based and integrated monitoring and assessment program. Assistance will be provided to federal, state and tribal partners to build capacities for successful implementation of “no overall net loss” wetlands programs, whereby losses will be avoided and minimized, and improvements in mitigation will provide for full compensation for unavoidable losses of wetland functions. Wetlands and stream corridor restoration will remain a focus for regaining lost aquatic resources. Hundreds of Regional watershed projects and 5-Star Restoration and Education Projects will continue to draw together local stakeholders and catalyze environmental partnerships for restoring wetlands and streams at the watershed level. Improvements in monitoring science and techniques and broader application of these wetland monitoring practices by states, tribes, and local organizations will improve assessments of wetlands health and extent, and provide for more accurate and timely tracking of wetlands gains and losses.

EPA is working with its governmental and non-governmental partners to achieve our national wetland goals. We recognize the critical role of our Federal partners as we progress towards the goal of achieving a net increase of 100,000 acres of wetlands each year beginning in FY 2005, increasing wetlands functions and values, and implementing a fair and flexible approach to wetlands regulation. EPA and the U.S. Army Corps of Engineers have primary responsibility for implementation of the CWA Section 404 Regulatory Program. Cooperative efforts among the Corps and EPA, which regularly include other federal agencies (i.e., USFWS, USDA, NOAA/NMFS), reflect regulatory and customer practices that result in “no overall net loss” in the regulatory program. Efforts to achieve a net gain in wetlands will focus on restoration and creation activities under programs including the USDA’s Conservation Reserve and Wetlands Reserve Programs, DOI’s North American Wetlands Conservation Program, and EPA’s Five-Star Restoration Program. EPA will rely on the DOI and/or USDA to accurately account for losses and gains of wetlands acreage through the DOI National Wetlands Inventory (NWI) and the USDA’s National Resource Inventory (NRI). At present, the USFWS National Wetlands Inventory is updated once each decade. To track net gains of wetlands on an annual or biannual basis, substantial increases in capacity will need to be made at state and national levels. Successful implementation of the wetlands provisions of the Farm Bill by USDA and its partners is critically important, as reduction of wetland losses in rural areas and most of the anticipated gains nationally will be a result of those programs.—

Subobjective 4.3.2: Increase Wetlands. By 2008, working with partners, achieve a net increase of 400,000 acres of wetlands with additional focus on biological and functional measures **to ensure qualitative gains.** (2002 Baseline: annual net loss of an estimated 58,500 acres.)

FY05 Outcome Target: By 2005, and each year thereafter, the work of federal, state, tribal and local agencies; the private sector, hunting and fishing organizations; and citizen groups will result in a net increase of 100,000 acres of wetlands.

T Operational Approach: Major sources for wetlands gains will be other federal programs (Farm Bill agriculture incentive programs and wetlands acquisition and restoration programs, including those administered by Fish and Wildlife Service) and non-federal programs. EPA contributes to achieving no overall net loss in Clean Water Act regulatory programs, including the Section 404/401 permit review, compliance and enforcement, and other programs, such as Section 402 and Section 311. EPA supports States, Tribes and other partners to protect and restore wetlands, and builds capacity to use wetland function to supplement and enrich reliance on acreage indicators. In implementing these responsibilities, each Region will identify watersheds where wetlands and other aquatic resources are most at risk, including from cumulative impacts. EPA will improve levels of protection through actions that include: working with and integrating wetlands protection into other EPA programs such as Clean Water Act Section 319, State Revolving Fund, the National Estuary Program, and Brownfields; working with the Corps and/or States on permitting and mitigation compliance; providing grants and technical assistance to State, Tribal and local organizations; and developing information, education and outreach tools.

Strategic Targets

- IV-E: Annually, beginning in FY04 and in partnership with the Corps of Engineers and States, achieve no net loss of wetlands and other aquatic resources in the Clean Water Act Section 404 regulatory program.

T FY05 Outcome Target: No net loss. Building upon the analysis of existing mitigation data base systems, the Corps, EPA, USDA, DOI, and NOAA will establish a shared mitigation database by FY05. Utilizing the shared database, the Corps, in conjunction with EPA, USDA, DOI, and NOAA, will provide an annual public report card on compensatory mitigation to complement reporting of other wetlands programs by FY05.

T FY05 Outcome Target: No net loss. To help ensure no net loss of aquatic resources the Corps has initiated six new performance measures designed to improve permitting and mitigation compliance. These six new performance measures include:

- , conducting compliance inspections of 50% of all individual permits issued and constructed within the preceding fiscal year
- , conducting compliance inspections of 20% of all general permits (GP's and NWP's) with reporting requirements issued and constructed within the preceding fiscal year
- , inspecting 25% of active mitigation sites each fiscal year (active mitigation sites are those sites authorized through the permit process and

- , are being monitored as part of the permit process but have not met final approval under the permit special conditions - success criteria)
- , completing compliance inspection/audits on all active mitigation banks and in-lieu-fee programs each fiscal year
- , reaching resolution on noncompliance with permit conditions and/or mitigation requirements on ~~40~~ 50% of activities that are unresolved at the end of the previous fiscal year and have been determined to be noncompliant with permit conditions during the current fiscal year
- , reaching resolution on 40% of all enforcement actions (i.e., unauthorized activities) that are unresolved at the end of the previous fiscal year and have been received during the current fiscal year.

Operational Approach: EPA will work with the COE to ensure application of the 404(b)(1) guidelines which require that discharges into waters of the U.S. be avoided and minimized to the extent practicable. Each Region will also identify opportunities to partner with the Corps in meeting performance measures for compensatory mitigation for unavoidable impacts. These may include participation in joint impact and mitigation site inspections, participation on Mitigation Bank Review Team activities, assistance on development of mitigation site performance standards and monitoring protocols, and enhanced coordination on resolution of enforcement cases.

- IV-F: By 2006, and each year thereafter, in partnership with the Corps of Engineers and States and Tribes, obtain no net loss in wetland function based on quantifying functions gained and lost through mitigation for authorized wetlands impacts.
T FY05 Outcome Target: MDP: Measure Development Plan

Program Activity Measures

- IV-WD-1: Number of States that have achieved overall net gains of wetlands by building capacities in wetlands monitoring, regulation, restoration, water quality standards, mitigation, compliance, and partnership building.

Operational Approach: This is an indicator measure. Regions should focus efforts that would assist states to develop comprehensive wetlands programs that includes incentive, mitigation and restoration, establish a base line condition and methods to measure environmental improvements. These would build upon and enhance a strong regulatory foundation. The overall net gains needs to reflect the Subobjective goal in terms of net gains in both acreage and functions. Regions will be asked to report at end of year, but not provide annual commitments.

- IV-WD-2: Number of watershed-based wetlands and stream corridor projects (combined 5-Star and non-5 Star projects) and technical assistance (including number of projects in Indian country).

Operational Approach: This is an indicator measure and criteria has been developed to

measure annual accomplishments. Regions will be asked to provide list of projects; HQ is responsible for 5-Star tracking. Regions will be asked to report at end-of-year, but not provide annual commitments.

- IV-WD-3: Number of Tribes that have participated in watershed-based wetlands and stream corridor projects for which EPA has provided significant financial assistance

Operational Approach: This is a target measure and criteria has been developed to measure annual accomplishments. Regions will report out on the number of projects each year and the Regions can count Tribes more than once (when there are multiple projects) in reporting this measure.

- IV-WD-4: Number of major projects that have been completed in States and Tribes that significantly improve the effectiveness of compensatory mitigation.

Operational Approach: This is an indicator measure and criteria has been developed to measure annual accomplishments. Regions will be asked to report at end of year, but not provide annual commitments.

- IV-WD-5: By 2008, wetland condition will have improved in 5 States as defined through biological metrics and assessments.

Operational Approach: This is a target measure. Additional clarification /definition of the terms used in this commitment are needed (i.e., what is meant by wetland condition improvement, what is the extent of wetland improvement needed in a state in order to qualify, what biological metrics or assessments are to be used.

The 5 states chosen for the 2008 goal must already have their wetlands mapped and digitized state-wide. Their assessment, or baseline must begin in 2005. In addition, in FY2005, 5 EPA regions will begin working with one state to build the state capacity to use automated Geographical Information (GIS)-based wetland assessment systems to report wetland condition on a statewide basis. Termed "Level 1" Assessment, such approaches rely on the manipulation of readily available mapped information (e.g., land use and land cover) and/or information derived from remote-sensing sources, to forecast wetland condition across broad geographical areas. Known levels of accuracy for the reporting of wetland condition are attained through the systematic field verification of condition conducted at selected reference and test wetland sites. Pilot projects in FY05 proposed to test the efficacy of the Level 1 approach may include tasks that describe the refinement and updating of primary mapped data sets (e.g., National Wetland Inventory Maps) needed to conduct such an assessment. The FY05 commitments will be an interim milestone, ie, completion of the baseline assessment, and beginning of the second assessment, that will lead to achieving the 2008 goal.

Currently 10 states have their wetlands mapped and digitized. These include DE, MD,

IL, NJ, NY, RI, VT, WI. Two states will be completed in the next year, MA and MN.

Partners:

- EPA will work with federal, State, Tribal and local agencies, the private sector and non-governmental organizations to achieve our wetland objectives. Through continuing emphasis on partnerships we will protect and restore the nations's wetlands and aquatic resources.